



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,686	07/25/2001	Behrokh Khoshnevis	10662-004	7147

20583 7590 11/26/2004

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

HANEY, MATTHEW J

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,686

Applicant(s)

KHOSHNEVIS ET AL.

Examiner

Matthew Haney

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Inaba (US 6,144,809).

As for claim 1, Inaba teaches of an adjustment assembly (Figure 1, Reference Numbers 15-21, also see Figure 3); a first lens mounted to the adjustment assembly; a second lens mounted to the adjustment assembly (Figure 1, Reference Number 15 and 16, also Column 3, Lines 56-67 and Column 4, Lines 1-33); a first eyepiece for viewing images received by the first lens; a second eyepiece for viewing images received by the second lens (Figure 2, Reference Number 31 and 30, also Column 3, Lines 56-67 and Column 4, Lines 1-33); wherein the distance between the first and second lenses can be varied by the adjustment assembly and wherein the distance between the first and second lenses is substantially independent of the distance between the first and second eyepieces (Column 3, Lines 56-67 and Column 4, Lines 1-33).

Claim Rejections - 35 USC § 103

Art Unit: 2613

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-6, 8-15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba (US 6,144,809) in view of Steinthal (US 5,963,369).

As for claims 2 and 24, Inaba teaches of the limitations mentioned in the above rejection of claim 1. Inaba does not teach of the first lens and second lens are housed in a first and second telescope chamber, respectively, and wherein the first and second telescope chambers are attached to the adjustment assembly, however, Steinthal does (Figure 2B). It would have been obvious to one of ordinary skill in the art at the time of the invention to place the lens in a telescope chamber in order to allow for increase magnification because of the longer distance between eyepiece and lens (also see Column 3, Lines 44-55).

As for claim 3, Inaba teaches of the limitations mentioned in the above rejection of claim 1. Although Inaba does not disclose of any of the following, Steinthal does: a first image-capturing component in an optical path behind the first lens that produces first image signals; a second image-capturing component in an optical path behind the second lens that produces second image signals (Column 3, Lines 55-67); a processor coupled to the first and second image capturing components that receives the first and second image signals and produces one or more resultant signals corresponding to the first and second image signals (Column 4, Lines 22-53); display means that displays the

resultant signals (Column 4, Lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to place the imaging components after the lens in order to allow the lenses to be separated a greater distance from each other in order to fine tune the stereoscopic image.

As for claim 5, Inaba teaches of the limitations mentioned in the above rejection of claim 1. Inaba does not teach of the first and second lenses comprise first and second objective lenses, however, Steinthal does (Column 3, Lines 11-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to use objective lenses for the "photographing lenses" disclosed in Inaba and is considered well known in the art to do so. (Official Notice)

As for claim 4, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of first and second image capturing components comprise first and second CMOS photo arrays (Column 3, Lines 62-67).

As for claim 6, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of display means comprises first and second displays (Note: the image is displayed in both the left eyepiece and right eyepiece simultaneously, Column 4, Lines 1-53, Figure 3 (Reference Number 16)).

As for claim 8, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of a digital signal processor (Column 4, Lines 36-37).

As for claim 9, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of flash memory coupled to the

processor (Note: the memory is external but could be placed inside the invention, Column 4, Lines 54-67).

As for claim 10, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of comprising random access memory coupled to the processor (Column 4, Lines 48-53).

As for claim 11 and 12, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of an audio processor coupled to the processor along with microphones to acquire the sound (Note: Since Steinthal discloses recording of audio, it is obvious to one of ordinary skill that a processor must be readily available and microphones used to input the sound, Column 3, Lines 31-35). (Official Notice)

As for claims 13 and 14, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of a digital port connected to the processor (Note: It is considered obvious that an audio output could have easily been accomplished with the circuitry provided, Column 3, Lines 36-40). (Office Notice)

As for claim 15, most of the limitations of the claim have been discussed in the above rejection of claim 3. Steinthal also teaches of a remote system (i.e. a PC) in communication with the processor (Column 5, Lines 17-28).

Claims 7, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba (US 6,144,809) in view of Steinthal (US 5,963,369) and in further view of Boys (US 6,542,295).

Art Unit: 2613

As for claim 7, most of the limitations of the claim have been discussed in the above rejection of claim 3. Boys also teaches of a wireless communication circuit coupled to the processor that enables the processor to transmit and receive data by wireless communication (Note: discloses the use of wired or wireless connection, Column 15, Lines 27-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the wired connection disclosed in Steinthal a wireless one in order to allow for fast communication and convenience.

As for claims 16 and 17, most of the limitations of the claim have been discussed in the above rejection of claim 7. Steinthal also teaches of a remote system (i.e. a PC) in communication with the processor (Note: it is considered obvious that the PC will also have a processor node that can communicate with the monitor (remote device), Column 5, Lines 17-28). (Official Notice)

As for claims 18 and 19, most of the limitations of the claim have been discussed in the above rejection of claim 17. Boys also teaches of the processor node communicates with the processor via the wireless or wired communication circuit (Note: discloses the use of wired or wireless connection, Column 15, Lines 27-44).

As for claim 20, most of the limitations of the claim have been discussed in the above rejection of claim 17. Although Boys does not teach of the remote device is capable of communicating with the processor node through the Internet, it is considered obvious to one of ordinary skill in the art that a wireless communication device can readily use the Internet. (Official Notice)

Art Unit: 2613

As for claim 21, most of the limitations of the claim have been discussed in the above rejection of claim 17. Steinthal also teaches of a display for displaying visual data in 3-D (Column 5, Lines 15-17).

As for claim 22, most of the limitations of the claim have been discussed in the above rejection of claim 17. Steinthal also teaches of a display and a pair of stereoscopic eyewear that allows viewers to view images generated by the display in 3-D (Column 5, Lines 18-28).

As for claim 23, most of the limitations of the claim have been discussed in the above rejection of claim 17. Steinthal also teaches of speakers (Figure 5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is 703-305-4915. The examiner can normally be reached on M-Th (7-4:30), Every Other Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney
Examiner
Art Unit 2613

mjh


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600